

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**ORIGINAL**

TRACEY WHITE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 14-cv-01490-HEA
	)	
THOMAS JACKSON, et al. ,	)	
	)	
Defendants.	)	

VIDEO DEPOSITION OF TRACEY WHITE

Taken on behalf of the Defendants  
RYAN, McCOY, McCANN, BELMAR, and ST. LOUIS COUNTY

September 29, 2015

Reported by: Christine A. LePage, CCR #1000

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**EXHIBIT**  
County  
Exhibit F

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VIDEO DEPOSITION OF TRACEY WHITE, taken on behalf of  
the Defendants RYAN, McCOY, McCANN, BELMAR, and ST. LOUIS  
COUNTY, on the 29th day of September, 2015, between the  
hours of eight o'clock in the forenoon and six o'clock in  
the afternoon of that day, at the St. Louis County  
Government Center, 41 South Central, St. Louis County,  
before Christine A. LePage, a Registered Professional  
Reporter, Certified Court Reporter, and Notary Public.

1 patients.

2 Q Are you still a contract employee or is that  
3 over with at St. Alexius, I mean, at Longterm Care  
4 Psychiatric Management?

5 A I'm -- Currently that's my only -- Yes, I am an  
6 employee.

7 Q Okay. Well, is there a set fee that you get  
8 when you see patients or how's that determined?

9 A So my contract says that no matter what I will  
10 always receive a fee, monthly fee.

11 Q What does that mean, no matter what?

12 A That I will always receive 2,800 a month at  
13 minimum.

14 Q Even if you don't see any patients?

15 A Even -- Well, if that should ever happen, then,  
16 yes.

17 Q And if you do see patients, do you -- does it go  
18 up to \$2,800 and sometimes exceed it then?

19 A It can far exceed \$2,800.

20 Q Okay. Have you ever been a party to an action  
21 filed in any court in Missouri?

22 A None that I'm aware of.

23 Q I saw, you know, in Missouri CASE.NET that  
24 there's a pending case filed in Associate Circuit Court  
25 against you where you're being sued by Portfolio Recovery

1 Associates for nonpayment of a credit card?

2 A Yes.

3 Q So you were aware of that?

4 A The one that just came about?

5 Q Yes.

6 A Thirty, maybe 30 -- 30 days ago?

7 Q Yeah.

8 A Yes.

9 Q Okay.

10 A So did you say party to a class action lawsuit?

11 Q No, any case pending or that was once pending in

12 any court, any type of case. Have you ever been named as

13 a defendant, have you ever filed any lawsuits, or have you

14 ever had to appear in court for any reason?

15 A Yes. Yes.

16 Q So, okay, you have that pending action --

17 A Yes.

18 Q -- in Associate Circuit Court. What else? What

19 else have you had in the state of Missouri?

20 A As far as an action against me?

21 Q Yeah.

22 A None that I can recall.

23 Q Well, you could not recall the case involving

24 nonpayment of a credit card till I just mentioned it to

25 you, so --

1           A     Most recent, yeah, this is --

2           Q     So you're sure you -- You want me to refresh  
3 your memory or --

4           A     Well, you can, if --

5           Q     There is -- Just in 2014 there was an order of  
6 protection served against you; isn't that correct?

7           A     An order of protection against me?

8           Q     Yes.

9           A     Oh, with Stacy, an order of protection,  
10 temporary, yes, there was.

11          Q     And, well, it was initially temporary. Were you  
12 ordered to stay 100 feet away from petitioner's home,  
13 petitioner's car, petitioner's job, or any other place  
14 where petitioner may be found?

15          A     I wasn't ordered, I agreed. My attorney said --  
16 I agreed, I didn't -- I wasn't ordered, I agreed.

17          Q     Do you remember in January 2014, you say this  
18 person, Stacy?

19          A     Uh-huh.

20          Q     Is that a yes?

21          A     Yes.

22          Q     Stacy who?

23          A     Stacy White.

24          Q     Stacy White is --

25          A     A female.

1           MR. HUGHES:  So either she -- She should answer  
2 the question unless you instruct her not to.

3           MR. LATTIMER:  Again, maybe I missed it, maybe  
4 it went over my head.  What is the proffer?

5           MR. HUGHES:  I want to find out her tendency to  
6 yell and threaten people and --

7           MR. LATTIMER:  Well, then ask her that, do you  
8 have a tendency to yell and threaten people.

9           Q       (by Mr. Hughes)  No, tell me, why don't you  
10 explain to us why Tracey [sic] White got a protection  
11 order against you to stay away from her home, her car, her  
12 job, and any other place that she may be found?

13           MR. LATTIMER:  She's not getting into that.

14           A       Tracey White?  It's not Tracey White, it would  
15 be Stacy White.

16           Q       (by Mr. Hughes)  Stacy White, I'm sorry.

17           MR. LATTIMER:  She's not -- We're not getting  
18 into that.  You're asking the witness to tell you why  
19 somebody else did something, that doesn't even make sense  
20 to me.

21           Q       (by Mr. Hughes)  What did you do?  What did you  
22 do that led to this order of protection, permanent order  
23 of protection?

24           MR. LATTIMER:  Mr. Hughes, she's not answering  
25 questions along these lines unless and until we get

1 hearing?

2 A Can I -- Is there a way I can speak with my  
3 counsel?

4 MR. LATTIMER: If you don't know, just --

5 A I don't understand.

6 Q (by Mr. Hughes) Well, I didn't know if maybe  
7 you were just a witness to some other child's safety, but  
8 were you named --

9 A Well, there was a previous incident that you  
10 mentioned that surrounded child safety, and so -- Any  
11 other court hearing. 2008. 2008, I believe, the date, I  
12 had an attorney, I believe it was 2008, I had to get an  
13 attorney.

14 Q Did someone file an action against you  
15 complaining about child safety?

16 A No, it did not surround child safety, no.

17 Q Well, you said it was a child safety hearing,  
18 so --

19 MR. LATTIMER: No, she didn't, you said that.  
20 She said no such thing.

21 MR. HUGHES: She did, too.

22 MR. LATTIMER: Well, the record will reflect.  
23 Obviously I'm losing it.

24 Q (by Mr. Hughes) Okay. You said in 2008 you had  
25 an attorney, you went to court, for what type of action?

1           A     Police misconduct. It surrounded -- Yeah,  
2 police misconduct.

3           Q     Okay. Where was -- What court was that?

4           A     I don't remember the court, but I know what  
5 district it was surrounding, Ferguson court.

6           Q     Was that in federal court or state court?

7           A     I have no idea.

8           Q     Did you sue the police for police misconduct?

9           A     I didn't sue anyone, but it was nolle prosequi,  
10 it was thrown out, or they didn't --

11          Q     You say that you were charged with something and  
12 it was nolle prossed, is that it, and you're saying there  
13 was police misconduct involved?

14          A     Yes, because I complained. I don't know what my  
15 attorney did with that, but --

16          Q     So you were arrested for something?

17          A     Yes.

18          Q     And then when you went to court it was nolle  
19 prossed?

20          A     Yes, they told me that I was not married, and,  
21 in fact, I was, and they arrested me, because my husband  
22 and I have two separate last names.

23          Q     They arrested you for being not married?

24          A     They arrested me. They arrested me.

25          Q     For what charge?



1 filed in this case that said that?

2 A Have I -- Okay. What document are you asking me  
3 have I seen?

4 Q Well, one document was -- this was the third  
5 amended complaint, you know, where the first two named  
6 plaintiffs are Tracey White and William Davis, and then,  
7 you know, it sued lots of police officers and made lots of  
8 allegations, and it's signed -- I mean, it was filed by,  
9 looks like, three of your attorneys. Have you --

10 A And I'll -- I have not reviewed it. I'll say I  
11 received something in the mail from an attorney and I did  
12 not review it. I just know that there was a lawsuit  
13 coming for the -- for the arrest that was made.

14 Q But before the lawsuit was filed, you certainly  
15 must have discussed the facts, is that correct, with your  
16 attorneys?

17 A I discussed what happened to me, yes.

18 Q Okay. Well, let me ask you this: In Paragraph  
19 37 of your third amended complaint you indicate that there  
20 was a public outcry about the shooting death of Michael  
21 Brown. Do you agree with that? Do you think that's  
22 accurate?

23 A That there was a public outcry?

24 Q Yes.

25 A That was my statement? Are you saying that that

1 building -- that the QuikTrip had burned, but you were not  
2 aware of anything else going on for the several days prior  
3 to August 13th?

4 A I am aware that a death took place, and, again,  
5 because you recalled it, the QuikTrip, and that there were  
6 protesters.

7 Q You say a death took place?

8 A Yeah, of Michael Brown, the death of Michael  
9 Brown.

10 Q Okay. But you allege that you attended a rally  
11 on August 13th, 2014?

12 A Uh-huh.

13 Q Is that a yes?

14 A Yes.

15 Q The reason I ask is the court reporter can't  
16 record --

17 A Yes.

18 Q -- an uh-huh, it doesn't make sense if you read  
19 it, so it has to be yes or no, if you don't mind, okay?  
20 And so was this -- Well, what was the name of this rally?

21 A I don't recall the name, I only know the  
22 emphasis of the rally.

23 Q How did you hear about it?

24 A Miss Noodel, a fellow -- a fellow social worker.

25 Q Who's that?

1 the death of Mike Brown.

2 Q And who sponsored that rally?

3 A A pastor of a church.

4 Q Do you know what church?

5 A No, sir, I don't.

6 Q And it says in the lawsuit that it was sponsored  
7 by your AME church group in Ferguson. Is that true or  
8 not?

9 A Of my AME?

10 Q Yes.

11 A No, that is not true, I don't belong to an AME  
12 church.

13 Q Okay. So just so I understand, this is called a  
14 peace and love rally by you in the lawsuit, but that's not  
15 what it was called, that's not the title of it, right?

16 A No, sir.

17 Q And it says that it was sponsored by your AME  
18 church group in Ferguson, but that's not correct?

19 A It was not my church.

20 Q Okay. But somehow you learned that there was  
21 going to be a rally because of a social worker that you  
22 seen in passing mentioned it to you; is that right?

23 A In addition to media, the television. So it  
24 brought it back to my recollection that there are going to  
25 be social workers to help heal the community, watch the --

1 Q Okay. And it is a pastor -- Some pastor was  
2 leading the rally; is that correct?

3 A Yes. Yes, sir.

4 Q Do you know who that pastor was?

5 A No, sir.

6 Q Did you know who anyone was who talked?

7 A Who was -- That talked? That spoke? No, that  
8 spoke on the mike, no, I didn't know anyone specifically  
9 that spoke on the mike.

10 Q So what happened at that rally? I mean, what  
11 did you hear? What did you see?

12 A Okay. So there was a pastor, African-American  
13 male, he spoke about the recent event and just the need to  
14 heal the community. He allowed individuals in the  
15 community to use the mike and to kind of express  
16 themselves. And I know this because there was a lady who  
17 just got up there and she talked about her fear of when  
18 she -- of when she heard about Mike Brown and how she had  
19 felt, and she was hoping that the young people could heal  
20 from this. And so I didn't know individuals getting on  
21 the mike, because they allowed people to come up and  
22 speak.

23 Q When you said individuals expressed themselves,  
24 did people express anger and make any threats?

25 A No, no, not that I can recall, it was more

1     uplifting and a need to come together, like that more, as  
2     a matter of fact, there was emphasis on coming together to  
3     more as a group of people where there is no conflict and  
4     not --

5             Q     I'm sorry, go on.

6             A     That was it.

7             Q     Were people saying there should be burning and  
8     looting?

9             A     No, not -- not that -- I didn't hear any of  
10    that, no, sir.

11            Q     And, anyway, you think that you left that rally  
12    about what time, 6?

13            A     I'm going to say like 6.

14            Q     Then what did you do?

15            A     We walked to the McDonald's, because -- we  
16    walked to the McDonald's.

17            Q     Why?

18            A     Because we were waiting for my husband to  
19    arrive. We didn't drive. I hadn't driven.

20            Q     When was he scheduled to arrive?

21            A     He was to call my phone, because I didn't know  
22    the time frame for the event, when it would end, so --

23            Q     Did he call your phone?

24            A     He may have.

25            Q     What is your phone number?

1 Q He would have come even though you did not call  
2 him?  
3 A He would have come because he dropped us off.  
4 Q Okay. But he would have come even without  
5 calling you?  
6 A Absolutely.  
7 Q Okay. So you're at McDonald's for how long?  
8 A I'm guessing maybe an hour.  
9 Q Okay. So you're saying maybe you arrived  
10 sometime around 6 o'clock?  
11 A Six, 6:05, somewhere around there, guessing.  
12 Q And then you stayed there about an hour?  
13 A Uh-huh.  
14 Q Is that a yes?  
15 A Yes. Yes.  
16 Q And what are you doing during this hour or so  
17 inside McDonald's?  
18 A We ordered food, we ordered dessert and were  
19 seated, and we're engaged with a young man that's seated  
20 in the McDonald's.  
21 Q Okay. Who is this young man?  
22 A Well, it turns out his name is Wesley.  
23 Q Okay. Tell me about that.  
24 A Wesley is seated in the McDonald's, he's very  
25 busy, he looks very busy working on a laptop, and I made a

1 MR. DAVIS: No, the thing fell off.

2 MR. LATTIMER: Oh, it cut off.

3 MR. HUGHES: So we're back on the record?

4 THE VIDEOGRAPHER: Yes.

5 Q (by Mr. Hughes) So you indicated that you were  
6 in the McDonald's for about an hour, during this time you  
7 spoke to Wesley. Is there anybody else that you spoke to  
8 other than someone at the counter, I assume, when you  
9 ordered food?

10 A My son.

11 Q Okay.

12 A Mr. Wesley, that's all I can recall.

13 Q Okay. Fine. And then at some point you left  
14 the McDonald's?

15 A Yes, I left out of the door, yes.

16 Q And any particular reason why you left?

17 A My phone was not charged.

18 Q Okay. Could you explain that to me? Your phone  
19 was not charged so you left the McDonald's?

20 A Yes, sir.

21 Q What were you planning on doing without -- What  
22 were you planning on doing because your phone was not  
23 charged?

24 A I went to see if my husband had made it.

25 Q Okay. So you just stepped outside to see if

1 your husband had arrived at the McDonald's; is that  
2 correct?

3 A Or in that -- yes, in that -- right there at  
4 that area, yes, sir.

5 Q Okay. And then when you stepped outside, what  
6 did you see or what did you do?

7 A I believe I looked for my husband, I know I  
8 looked for my husband, and at some point when I turned  
9 around to reenter the McDonald's there was an officer in  
10 front of the door.

11 Q Okay. So before you left the McDonald's you did  
12 not see any officers; is that correct?

13 A No, sir. No, sir.

14 Q So that is correct?

15 A That's correct.

16 Q And so -- And before you stepped out of the  
17 McDonald's to see -- to look around for your husband, did  
18 you say anything to your son such as I'm going to look for  
19 my husband and, you know, come on out when you can or --

20 A My son was ordering ice cream with my debit  
21 card. I'm not sure if I told him I was going to look for  
22 Mohamed at that -- my husband at that exact point, but we  
23 were both aware that he was to pick us up and that our  
24 phone was dead.

25 Q What does your son call your husband?



1           A     Mohamed.

2           Q     Okay.  So were you expecting your son to step  
3 outside with you after he finishes the ice cream or what?

4           A     No.

5           Q     Okay.  So anyway, you stepped outside, and you  
6 looked around for your husband?

7           A     Uh-huh.

8           Q     Is that correct?

9           A     Yes.

10          Q     And then what happened?

11          A     At some point I came to the door of the  
12 McDonald's and there was an officer who -- there was an  
13 officer at the door.

14          Q     Okay.  And can you describe that officer?

15          A     To my recollection he was an African-American,  
16 very fair skin, and he had on all black, from what I --

17          Q     He had all black clothing or what?

18          A     Yeah, his uniform was all black from what I  
19 recall.

20          Q     All right.  And what else do you recall?

21          A     I remember having a conversation with him about,  
22 well, what's going on, my son is in the McDonald's, and  
23 just being kind of really anxious about my son being in  
24 there and not knowing what's going on in the McDonald's.

25          Q     Okay.  And what did this African-American

1 officer say to you?

2 A He said, oh, ma'am, well, it's all right,  
3 they're -- I guess they're clearing everybody out of the  
4 McDonald's, like he'll be out. He had -- He'll be out.

5 Q Okay. All right. And then so you -- did you  
6 decide to wait for your son to come out or what did you  
7 do?

8 A I waited for my son to come out, and the officer  
9 and I spoke about my husband, I spoke to him about my  
10 husband, and he told me where I could go to wait for my  
11 husband.

12 Q Where did he tell you you could go?

13 A There's a corner at the -- there's a McDonald's,  
14 and I believe there's a store or another commercial  
15 property next door or whatever, but not too far, there's a  
16 corner, he told me that me and my son would be allowed to  
17 wait on the corner for my husband.

18 Q You mentioned that this African-American officer  
19 had some dark clothing?

20 A From what I recall.

21 Q Okay. Do you know what kind of police officer  
22 he was?

23 A No. I noticed people weren't wearing their --  
24 it didn't look like they were wearing their badges or ID.

25 Q But you knew it was a police officer?

1           A     I knew that he was blocking the door when I  
2     tried to reenter the McDonald's and he was dressed in gear  
3     like an officer.

4           Q     You don't know if he, you know, if he was a  
5     St. Louis County officer, Ferguson officer, Maryland  
6     Heights officer, St. Charles officer, do you?

7           A     No, sir.

8           Q     Okay. And did you talk to any other officer  
9     besides that African-American officer?

10          A     At that time? No, just him at that point.

11          Q     Did you talk to any Caucasian officer?

12          A     At that location, I don't recall talking to --  
13     not right then. I believe as they were dispersing people,  
14     I mentioned that this officer had told us to go wait on  
15     the corner to a Caucasian officer, or one -- again --  
16     yeah, to an officer, who were telling people to get into  
17     their cars and stuff.

18          Q     You remember you spoke to an officer?

19          A     Yes, from --

20          Q     Who was that?

21          A     I have no idea.

22          Q     I mean, was he white or black?

23          A     I believe he may have been Caucasian.

24          Q     Could you tell if he had a brown uniform on  
25     or --

1           A     I'm not sure, no, sir.

2           Q     So you don't know if he was a St. Louis County

3 officer?

4           A     I don't know.

5           Q     Did he have sergeant stripes, could you tell?

6           A     What are sergeant stripes?

7           Q     You don't know what sergeant stripes are?

8           A     No. No.

9           Q     You're saying if you saw a sergeant, you

10 wouldn't know what a sergeant is?

11          A     No. No.

12          Q     Okay. But the other officer who you don't

13 know --

14          A     Yes.

15          Q     -- what conversation did you have with him that

16 you recall?

17          A     Reiterating or stating that there was an officer

18 at the door who stated that my son and I could wait there

19 on the corner for my husband.

20          Q     Okay. And so did that officer explain anything

21 to you?

22          A     He did not, not to my recollection, no.

23          Q     So did your son come out?

24          A     He came out, yeah, he came out.

25          Q     And when your son came out, who were you -- who

1 Q Okay. And these people that were instructed,  
2 these people on foot who were instructed to move back,  
3 were they in the street in West Florissant or --

4 A They were pedestrians, they were I guess some of  
5 the people who were in the McDonald's who didn't drive,  
6 some of the people who were on West Florissant.

7 Q Okay. And how many people were there  
8 approximately?

9 A I don't know. It wasn't a huge crowd, but there  
10 were enough.

11 Q When you say there was enough, can you be more  
12 specific?

13 A No, I can't.

14 Q Was there more than 20? more than 30?

15 A There was more than two, there was more than me  
16 and my son. I don't know, I wasn't focused on that, I was  
17 focused on trying to get home.

18 Q Was it -- My question was was it more than 10?  
19 more than 20? more than 30?

20 MR. LATTIMER: That's been answered. If you can  
21 do better, give it a shot.

22 A I can't recall.

23 Q (by Mr. Hughes) You can't give me your best  
24 estimate of the number of people there were?

25 MR. LATTIMER: Don't guess or speculate.

1           A     I can't recall.

2           Q     (by Mr. Hughes) But the people who were

3 instructed by the police to move back, did they follow the

4 instructions?

5           A     Yes, sir.

6           Q     Okay. Were there any threats made to the police

7 that you heard at that time?

8           A     Not that I heard at that time, no, sir.

9           Q     All right. And then what did you do?

10          A     I continued to move backwards as the police

11 instructed.

12          Q     You're with your son?

13          A     Yes. Yes.

14          Q     And you did as the police instructed?

15          A     Yes, sir.

16          Q     And so what did you do exactly?

17          A     They instructed us to move back some, we halted

18 for some reason, they instructed us to move back some

19 more, we continued to move back, and then I began to

20 question, because -- yeah, I began to question, because

21 around this time nighttime is falling, 7 something, 8

22 something, and I'm getting afraid, but I continued to move

23 back, but I asked the question and tried to explain that

24 my husband was coming to get us, and --

25          Q     Where were you when this happened, when you

1     tried to explain?

2           A     We were on that street that they were pushing us  
3     back up in. We were further back on the street then from  
4     the McDonald's, we were halfway up -- down -- halfway up,  
5     excuse me, up or back, we were up -- we were in the street  
6     where they were directing us to go, at least halfway from  
7     the point of start.

8           Q     Do you know what the name of that street is?

9           A     No, sir.

10          Q     Okay. Let's get back in front of the  
11     McDonald's.

12          A     Okay.

13          Q     Do you remember, did you get in any sort of a  
14     confrontation with the police in front of the McDonald's?

15          A     None that I remember. I remember there -- as I  
16     was -- when I came -- when I turned around, made it to the  
17     door, there was an officer there that I spoke to, and  
18     there may have been some -- two women, two women that were  
19     arguing back and forth, but, no, I did not get into any  
20     confrontation.

21          Q     Who were those two women --

22          A     I have no idea.

23          Q     -- arguing back and forth? Were they arguing  
24     with each other or arguing with someone else?

25          A     I believe they were arguing with each other.

1           Q     Okay. So just so I understand, I just asked you  
2     did you have a confrontation with the police in front of  
3     the McDonald's, and you answered no, not that you  
4     remember?

5           A     Yes.

6           Q     And earlier I asked you, I believe -- Strike  
7     that. So you had no confrontation with the police inside  
8     the McDonald's, you just agreed to that, and it's correct  
9     that you had no confrontation -- Wait, I might have  
10    misspoken, I'll start over. You just said you had no  
11    confrontation with the police outside the McDonald's, in  
12    front of the McDonald's. So my next question is you also  
13    did not have any confrontation with the police inside the  
14    McDonald's; is that correct?

15          A     There were no -- No. No.

16          Q     So that's correct?

17          A     That's correct.

18          Q     What about outside of McDonald's, do you recall  
19    speaking very loud --

20          A     I don't recall.

21          Q     -- at a police officer?

22          A     I don't recall that, no, sir.

23          Q     Well, did you or did you not?

24          A     I don't recall speaking loud to an officer. I  
25    recall speaking to an officer about me looking for my



1 husband.

2 Q Do you remember complaining loudly to any  
3 officer, officers, outside the McDonald's by the front  
4 door?

5 A Say that again.

6 Q Do you remember speaking loudly to any police  
7 officers outside the McDonald's?

8 A I remember stating that my son was inside the  
9 McDonald's.

10 Q Do you remember arguing with police officers  
11 outside -- or a police officer or police officers outside  
12 the McDonald's?

13 A I do not.

14 Q While you were outside McDonald's, do you  
15 remember a police officer offering to allow you to use the  
16 cell phone that he had?

17 A I do not.

18 Q Do you remember a police officer offering his  
19 cell phone to you and you said, "No, you are a white man"?

20 A Absolutely not. Certainly not.

21 Q What is your husband Mohamed's cell phone  
22 number?

23 A (314) 651-8758.

24 Q Does your husband have the same provider as you  
25 do or a different one?

1 Q And did you hear some members of the crowd  
2 making any statements towards the police?

3 A No, sir, none at all.

4 Q You mentioned you were making statements. Are  
5 you the only member of the crowd that was making  
6 statements to the police?

7 A I'm the only one I was focused on.

8 Q And you know the street called Sharondale; is  
9 that correct?

10 A I do not know the street called Sharondale.

11 Q Do you know the street called Ferguson?

12 A I saw Ferguson. Ferguson is over in that  
13 vicinity.

14 Q Well, did you have any encounter with the police  
15 that day?

16 A Yes.

17 Q You were arrested?

18 A Yes.

19 Q Tell me where you were --

20 A On a side --

21 Q -- when you were arrested.

22 A On a side street, not too far from the  
23 McDonald's, and I don't know the name of that street.

24 Q And you mentioned a truck?

25 A Yeah.

1           Q     The truck had a trailer; is that correct? It  
2 was --

3           A     I recall the truck -- I don't know. I remember  
4 the truck being stuck.

5           Q     You don't remember the truck having a trailer in  
6 the back?

7           A     No, sir.

8           Q     And how much time elapsed between your leaving  
9 McDonald's and your arriving at this location where you  
10 were arrested?

11          A     I'm not certain.

12          Q     Was it 30, 45 -- 30 to 45 minutes?

13          A     It could have been.

14          Q     By the way, before I get any further, did you  
15 ever talk to Mohamed afterwards regarding whether or not  
16 he came looking for you or whether or not he called you?

17          A     Yes.

18          Q     What did he tell you?

19          A     He said yes.

20          Q     He said yes to what? What --

21          A     He said he came looking for us, he went back to  
22 the area searching for us.

23          Q     When did he come looking for you?

24          A     Maybe around the 7, 8-ish, that's a guesstimate.

25          Q     I mean, did he tell you what time? I don't want

1     that you were arrested.

2           A     I was moving backwards with a crowd that the  
3 officers who were locked shoulder to shoulder were  
4 demanding that we move backwards.

5           Q     And the officers were -- Well, first of all, you  
6 mentioned there was a truck there; is that correct?

7           A     At one point there was a truck that halted the  
8 progression of the crowd to move.

9           Q     So what we had is you had a line of officers  
10 that was moving a crowd, that's one thing; is that  
11 correct?

12          A     Yes, sir.

13          Q     And in addition to that you had a truck that was  
14 stuck; is that correct?

15          A     So the -- Yes, correct.

16          Q     And the officers were trying to get that truck  
17 moved out; is that correct?

18          A     The individual -- Yes.

19          Q     The officers were trying to assist the person  
20 who was stuck?

21          A     I don't recall the officers helping him, I  
22 remember them trying to direct him as to what to do. I  
23 just recall the truck being stuck and trying to get out  
24 and out because it halted their -- the police officers'  
25 movement and the crowd's movement.

1 MR. LATTIMER: That's not what she just read  
2 back.

3 Q (by Mr. Hughes) Okay. In addition to directing  
4 him -- directing the truck driver in what to do, do you  
5 remember that the police were also directing the crowd to  
6 move?

7 A I don't. I don't. I feel like that's a  
8 two-part -- I don't understand that question actually.

9 Q Okay. Did -- The police were both directing the  
10 crowd and directing the truck driver; is that correct?

11 A I don't believe that the police were directing  
12 the truck driver. The police had always been directing  
13 the crowd.

14 Q And do you remember the police telling the crowd  
15 to leave the area?

16 A I don't understand the question.

17 Q Did the police direct the crowd to go up the  
18 hill, to go to a nearby apartment complex, to just leave  
19 the area where you and everyone else was?

20 A The police were directing us -- the crowd back  
21 into a specific street area, that's what I recall.

22 Q Okay. And do you know what that street area --  
23 where that street area was?

24 A I know the area, and I know approximately where  
25 it's located.

1 the arrest?

2 A I had asked a question about the officer, about  
3 this officer, and asking how long, because it's getting  
4 dark, and I stated it's getting dark, my husband is  
5 coming, how much further do we have to get pushed back  
6 into this crowd, how much further are we going to go back.

7 Q And then what happened?

8 A He -- He said -- There was a male, it wasn't a  
9 female, he said, "All right, that's it," and he grabbed me  
10 and he threw me to the ground and put his knee in my back  
11 and arrested me.

12 Q Could you describe this officer who grabbed you  
13 from the crowd, threw you to the ground, put the knee on  
14 your back, and arrested you?

15 A I only know that he was white, that's it.

16 Q What color uniform was he wearing?

17 A I only know that he was white, that's it.

18 Q So you don't know?

19 A I don't know. I can't recall.

20 Q I'm going to -- Well, okay. So at this point  
21 you're arrested, and tell me about your son.

22 A I had my son's iPad in my hand, at the time I  
23 was carrying it, and I -- when the officer stepped forward  
24 and arrested me I told my son, "Here, get your iPad,  
25 William, get your iPad." When he stepped forward to

1 police and refusing to do what they asked you to do?

2 MR. LATTIMER: Asked and answered four times.

3 A Absolutely not.

4 Q (by Mr. Hughes) When the -- Did -- How many  
5 officers grabbed you and arrested you?

6 A I remember one stepping forward, snatching my  
7 arm, throwing me to the ground, putting his knee on the  
8 back, on my back, and pulling my hands behind me, and  
9 another officer to come forward and making sure he was  
10 able to -- or doing his job, that he had everything. So I  
11 believe there was one, and one stepped over to assist him.

12 Q And did the police put some sort of cuffs on  
13 you?

14 A Some type of plastic tie cuffs.

15 Q So --

16 A Yes, sir.

17 Q So some plastic tie flex cuffs?

18 A Yes, sir, they were behind my back, but it was  
19 plastic, it wasn't --

20 Q And actually you -- you wiggled out of them or  
21 got out of them at first; is that correct?

22 A When he -- No, sir. He was trying to -- I guess  
23 you can tighten them or something, and something he did,  
24 this is why this officer -- I speculate that this officer  
25 stepped forward, I don't know. This officer, when he

1 you went down with two officers, with an officer holding  
2 you on each arm?

3 A No to the first part. I had been thrown to the  
4 ground when they put the cuffs on. No to the second part  
5 of me lifting my feet up anywhere, doing any of the sort,  
6 and I didn't hear the third part.

7 Q Isn't it true when you were arrested you were  
8 told you were being arrested for interfering with the  
9 duties of a police officer?

10 A Absolutely not.

11 Q You mentioned that your son was 17 years old at  
12 the time and then he was turning 18 the following month;  
13 is that correct?

14 A Yes, sir.

15 Q So at the time of this incident when he was 17  
16 years old, he was not a minor?

17 MR. LATTIMER: What?

18 A What's the definition of a minor? I don't -- He  
19 was in high school, he was 17, he was -- I'm his guardian.

20 Q (by Mr. Hughes) Yeah, 17, age 17.

21 A I'm his --

22 Q I mean, you're a licensed -- Are you a licensed  
23 social worker?

24 A Yes, I am.

25 Q You're aware that people only go to juvenile



1 court, for example, if they're under the age of 17?

2 A Yes.

3 Q So he was 17?

4 A Yes.

5 Q And it's not true that you were thrown to the  
6 ground inside the McDonald's restaurant?

7 A I was not thrown to the ground inside of a  
8 McDonald's restaurant.

9 Q And it's true that -- It's true that your son  
10 was not arrested inside the McDonald's restaurant?

11 A That's true.

12 Q It's true that you were not arrested inside the  
13 McDonald's restaurant?

14 A That's true.

15 Q You've sued several individual officers saying  
16 that they arrested you and assaulted you, one is Officer  
17 Cosma. Do you know what he looks like?

18 A No, sir.

19 Q Do you know one way or the other if an Officer  
20 Cosma arrested you?

21 A I don't recall Officer Cosma arresting me, I  
22 only -- No, I don't know that.

23 Q And also Officer Cosma did not assault you?

24 A I'm not certain that it was Officer Cosma, I'm  
25 not certain it was him.

1 Q And what about Officer McCoy?

2 A I'm not certain. They didn't have on badges.

3 Q What about Officer McCann?

4 A I'm not certain that -- of an Officer McCann.

5 Q What about Officer Ryan?

6 A No, I'm not.

7 Q Could you tell me now what Ryan looks like?

8 A No, sir.

9 Q Can you tell me what McCann looks like?

10 A No, sir.

11 Q Can you tell me what McCoy looks like?

12 A No, sir.

13 Q Can you tell me what Cosma looks like?

14 A No, sir.

15 Q The officer who threw you on the ground, you

16 indicated you don't know what color uniform he was

17 wearing; is that correct?

18 A I don't recall what color uniform.

19 Q Do you recall what his race was?

20 A Caucasian.

21 Q Okay.

22 A Yeah, he appeared to be Caucasian.

23 Q So at the time you were on the ground and being

24 cuffed, it was at that point you said that an officer

25 placed his knee on your back?

1 you indicated that there is footage taken on the day of  
2 the incident by a reporter which shows officers entering  
3 McDonald's and also shows my son, William Davis, and you  
4 said this was aired by local media?

5 A Yes, sir.

6 Q So do you remember seeing that footage?

7 A I remember seeing it, yes, sir.

8 Q And in answer to Interrogatory 4 you said, "I  
9 did record the local news coverage;" is that correct?

10 A Yes, sir.

11 Q What happened to your recording of the local  
12 news coverage?

13 A I DVR'd it, we switched cable companies, we no  
14 longer have it. I digital recorded it.

15 Q What do you remember about that footage inside  
16 the McDonald's that shows your son?

17 A On that footage I remember seeing William inside  
18 the McDonald's and there were officers in there and my son  
19 looking confused as to what to do and him standing closer  
20 by the counter area. In that footage it shows a reporter  
21 being arrested.

22 Q Okay. But your son William was not arrested?

23 A Not inside the McDonald's.

24 Q He walk by or anything in that footage, do you  
25 see him walk by?

1 Q Okay.

2 A Not the actual receipts, but the -- something  
3 reflecting the purchase.

4 Q Okay. Now, going on, I'm at the point, I mean,  
5 I just read shortly thereafter plaintiff's son went to the  
6 rest room and I read that you went to the counter to  
7 purchase a sundae. Then the next sentence is, "Just as  
8 she did that, Defendants Ryan, McCoy, McCann, and  
9 Defendant Cosma, in what appeared to be Army uniforms,  
10 carrying rifles and sticks and wearing helmets, approached  
11 the door and ordered Plaintiff White to," quote, "get  
12 out," period, unquote. Do you see that?

13 A Yeah.

14 Q Did I read that correctly?

15 A I see that.

16 Q Did I read that correctly?

17 A I don't know, but I see where ordering Plaintiff  
18 White to get out, yeah.

19 Q Do you want me to -- My question is: Did I read  
20 that correctly? And if you don't know, I'll read it  
21 again.

22 A Read it again.

23 Q Okay. Follow with me. "Just as she did that,  
24 Defendants Ryan, McCoy, McCann, and Defendant Cosma, in  
25 what appeared to be Army uniforms, carrying rifles and

1 sticks and wearing helmets, approached the door and  
2 ordered Plaintiff White to get out." Did I read that  
3 sentence correctly?

4 A You did.

5 Q And that sentence is false; isn't that correct?

6 A I would say it's false.

7 Q Okay. The next sentence, "Plaintiff White was  
8 terrified and tried to tell these people that her son was  
9 in the rest room and that she was there waiting for her  
10 husband to pick them up." Did I read that sentence  
11 correctly?

12 A Yes, sir.

13 Q That sentence is false?

14 A False.

15 Q Okay. Paragraph 43, "After her son exited the  
16 rest room, Plaintiff White observed him being accosted by  
17 defendant police officers." Did I read that correctly?

18 A Yes, sir.

19 Q That sentence is false; is that correct?

20 A That's false.

21 Q "When she expressed her concern, she was told to  
22 shut up." I'll read that again. "When she expressed her  
23 concern, she was told to," quote, "shut up," period,  
24 unquote. Did I read that correctly?

25 A Yes, sir.

1 Q That's false?

2 A Yes, sir.

3 Q "When plaintiff continued to express her  
4 concerns about the way her son was being mistreated, she  
5 was advised she was being arrested because she would not,"  
6 quote, "shut up," period, unquote. Did I read that  
7 correctly?

8 A Yes, sir, you did.

9 Q And that's false, correct?

10 A That's false.

11 Q "Plaintiff White was then thrown to the ground  
12 and handcuffed." Did I read that correctly?

13 A Yes, sir.

14 Q And that's false; is that correct?

15 A Not at that point. That's false.

16 Q "Plaintiff White realized that her son's iPad in  
17 her hand and summoned him over to retrieve the item. When  
18 he did, Defendant McCoy placed the minor under arrest as  
19 well for no reason at all." Did I read that correctly?

20 A You did.

21 Q And that's false?

22 A That event happened, but not inside the  
23 restaurant.

24 Q Okay. It's alleged here that it happened inside  
25 the restaurant.

1           A     That's false.

2           Q     And that's false; is that correct?

3           A     That's false, yes, sir.

4           Q     And it's alleged that Defendant McCoy placed

5 your son under arrest for no reason at all; is that

6 correct?

7           A     Yes. Yes, sir.

8           Q     It's false that Defendant McCoy or anyone

9 arrested your son inside the McDonald's; is that correct?

10          A     Yes. Yes, sir.

11          Q     Tell me what Defendant McCoy looks like.

12          A     I can't tell you what Defendant McCoy looks

13 like.

14          Q     Tell me what the officer who arrested your son

15 looks like.

16          A     I can't tell you what the officer looks like. I

17 can only tell you the -- what appears to be the race,

18 that's it.

19          Q     Okay. What was the race?

20          A     Caucasian, it appeared to be, the gentleman, it

21 was a male, and he appeared to be Caucasian.

22          Q     Okay. So you're saying that a Caucasian male

23 arrested your son in that area where you were arrested up

24 the street or down the street, wherever it was, and that

25 this was a Caucasian?

1           A     He appeared to be Caucasian, he didn't appear to  
2     be -- Yeah.

3           Q     All right. Did your son ever tell you what an  
4     officer said to him before he was arrested?

5           A     To him specifically?

6           Q     Yes.

7           A     No, he only stated what was said inside of the  
8     restaurant out loud.

9           Q     Your son was arrested outside?

10          A     Yes.

11          Q     Like you were?

12          A     Yes.

13          Q     My question is: Did your son tell you what the  
14     officer said to him before your son was arrested?

15          A     No.

16          Q     Did he ever tell you the officer asked him  
17     several times to leave and your son just stayed there?

18          A     Do I understand you to say -- ask me were we  
19     having a conversation during our arrest time?

20          Q     No, no, no. At some point you talked to your  
21     son --

22          A     Yes.

23          Q     -- about his arrest?

24          A     Yes.

25          Q     Did you -- Did your son tell you that the



1 identification.)

2 Q (by Mr. Plunkert) Okay. Have you seen this  
3 document before, ma'am?

4 A This is the document I picked up downstairs,  
5 yes.

6 Q Okay. And let's turn to the second page, if you  
7 don't mind, where it's dated June 7th of 2008. Do you see  
8 that?

9 A Yes.

10 Q It looks as though the citations -- Well, if you  
11 look over to the right column, it says arresting agency is  
12 Florissant, right?

13 A Yes.

14 Q Is that what we've been discussing now about the  
15 2008 arrest?

16 A Yes.

17 Q Okay. And the charges, do you see resisting,  
18 interfering with arrest, in parenthesis, misdemeanor; do  
19 you see that?

20 A I'm sorry, did you say up until now that's what  
21 we've been discussing?

22 Q Ma'am, no, on the 2008 arrest.

23 A Okay, yes.

24 Q Yeah. I understand 2014's a different --

25 A Yes.

1 Q Okay. And, again, you also see nolle prosequi  
2 to the right of misdemeanor, right?

3 A Yes.

4 Q And you told us earlier that that was a nolle  
5 prosequi was what happened with that case, and so far as  
6 you know the charges were dropped, correct?

7 A Yes.

8 Q Now, I want to ask you about -- right below  
9 that, what we haven't discussed yet today is an arresting  
10 agency of Country Club Hills on March 26th of 1999. Do  
11 you see that?

12 A I see that.

13 Q Okay. That says assault third and disorderly  
14 conduct; is that right?

15 A Yes.

16 Q Okay. Do you recall what the disposition -- in  
17 other words, if there was a sentence or if you pleaded  
18 guilty or were convicted or anything?

19 MR. LATTIMER: I'm going to have a -- just put  
20 out a continuing objection to this entire line of  
21 questioning, particularly with respect to arrests. But  
22 you can answer.

23 Q (by Mr. Plunkert) Okay. Subject to that, go  
24 ahead.

25 A What, do I remember?

1 the ground and with a knee in your back that you're  
2 alleging was excessive force?

3 A I believe it was excessive force for the  
4 officers that were present to come on the premises of a  
5 place where there was no -- it was peaceful and start to  
6 move people into a crowd, I mean, I agree with that part,  
7 too.

8 Q Well, let's talk about that. How many times did  
9 an officer place his or her hands on you on August 13th of  
10 2014?

11 A I can only recall when I was arrested. When I  
12 was arrested.

13 Q So when you were thrown to the ground with a  
14 knee on your back, right?

15 A Yes, sir.

16 Q Okay. And we heard your testimony regarding  
17 McDonald's, no officer placed a hand on you at McDonald's,  
18 correct?

19 A Correct.

20 Q No officer placed a hand on your son, Mr. Davis,  
21 in McDonald's, did they?

22 A That I -- That I saw, no, I wasn't -- No.

23 Q And Mr. Davis has never told you that an officer  
24 has placed his or her hands on Mr. Davis in the  
25 McDonald's, right?

1 of course they were red, but there was no permanent, no.

2 Q Okay. Did you take any photographs of your

3 wrists?

4 A No.

5 Q So I believe we have four instances where you

6 believe there was excessive force used. You say you were

7 thrown to the ground, there was a knee in your back, when

8 the handcuffs -- the zip tie, the ties were placed on your

9 wrists, and when you were assisted into the vehicle,

10 correct?

11 A Yes.

12 Q Okay. Are those the only four instances that

13 you believe where excessive force was used against you?

14 A That's all that I can recall right now.

15 Q Okay. Let's talk about the first. Do you know

16 what the name of the officer was who threw you to the

17 ground?

18 A I have no idea.

19 Q Do you recall the race of that officer?

20 A He appeared to be Caucasian.

21 Q Do you recall what he was wearing?

22 A I cannot recall what he was wearing.

23 Q And I'm saying he, I don't want to be -- I don't

24 want to assume anything. Was it a male that did it?

25 A It appeared to be a male.

1 officers that assisted you into the back of the vehicle?

2 A I cannot.

3 Q And were they African-American or Caucasian or  
4 other race?

5 A Appeared to be Caucasian.

6 Q Do you know how many there were?

7 A I have no idea.

8 Q How many Caucasians do you recall seeing,  
9 officers do you recall seeing assisting you into the back  
10 of the vehicle?

11 A I don't -- I can't recall how many there were.

12 Q So you just recall at least one Caucasian  
13 officer face?

14 A At least, yes, sir.

15 Q Were there any racial epithets used against you  
16 at all on August 13th of 2014 by the police officers?

17 A None that I can recall at this time.

18 Q Okay.

19 A Are you saying --

20 Q A racial slur, for example. You're not alleging  
21 that the officers used racial slurs against you, are you?

22 A No, I'm not.

23 Q You're not alleging at any point that you were  
24 punched or kicked?

25 A I'm not -- No.

1 Q Now, did you ever -- Now might be a fine time  
2 when we go off on the break.

3 MR. PLUNKERT: I believe the parties are willing  
4 to stipulate that there is no medical claim by Miss White  
5 regarding her allegations; is that right?

6 MR. LATTIMER: Correct.

7 Q (by Mr. Plunkert) Okay. With respect to the  
8 hand ties, was the pain in your wrist, I assume?

9 A Yes, sir.

10 Q Okay. Did you try and break out of those hand  
11 ties ever?

12 A No, sir.

13 Q Okay. You agree that trying to break loose of  
14 hand ties, you shouldn't do that, right?

15 A Do I agree that you shouldn't do that? I agree  
16 that you shouldn't do that.

17 Q And that's because you'd hurt yourself, for one,  
18 correct?

19 A Right.

20 Q But also it could be resisting an arrest, okay?

21 A Okay, yes.

22 Q You agree with that?

23 A I would agree to try and break free from them,  
24 yes.

25 Q That would be an effort to resist arrest, right?

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A Yes.

Q So was your son, correct?

A Yes.

Q Did you observe any force used on your son on August 13th of 2014?

A During the arrest, when they arrested him. I'm sorry.

Q Well, I'll tell you, it was my understanding that your son was compliant, but correct me if I'm wrong or if the officers used force against him in effectuating the arrest, tell me what you observed.

MR. LATTIMER: Objection to the form of the question.

Q (by Mr. Plunkert) Tell me -- Okay, let me rephrase.

MR. LATTIMER: Compliance and use of force aren't necessarily interchangeable.

Q (by Mr. Plunkert) I'll rephrase. Ma'am, please tell me what you observed with respect to any force used in the arrest of your son on August 13th of 2014.

A I observed the police officers arrest my son for no probable cause, that I felt was no probable cause.

Q And I understand what you're saying, I'm asking a little bit of a different question.

A Okay.

1           Q     I'm asking with respect to what you observed  
2     regarding force used and his arrest.

3           A     I can't remember -- recall that any force.

4           Q     From what you recall, he was placed into zip  
5     ties right after you tried to hand him the iPad, right?

6           A     Yes.

7           Q     And you heard officers place him under arrest,  
8     correct?

9           A     Let me -- You said force. I recall my son  
10    having ice cream and it being knocked out of his hand by  
11    an officer at some point, I can't -- I don't know when, I  
12    think it was during the arrest, so that would have been  
13    force to me.

14          Q     Did you see an officer physically knock it out  
15    of his hands, were you looking in that direction?

16          A     I was -- I believe so. I believe I was turning  
17    my head to look back at my son. Yeah, I would have --  
18    Yes, I would have, because I was -- I would have looked  
19    back to see my son when they were arresting him.

20          Q     Okay. And so you are sure of that through your  
21    observations he didn't drop the ice cream?

22          A     From what I recall, no. No.

23          Q     Okay. Other than what you described as knocking  
24    ice cream out of your son's hands, was there any force  
25    used against your son?



1 Q And do you recall any interactions with this  
2 officer at all?

3 A Not that I can recall.

4 Q And you mentioned that your son had an ice cream  
5 cone that was -- you think some officer knocked out of his  
6 hand at the time he was arrested. And just so I  
7 understand, this is the ice cream cone that was purchased  
8 at the McDonald's; is that correct?

9 A Yes, sir.

10 Q So that was purchased 30 to 45 minutes before?

11 A I believe it was a sundae. Yes. Yes, sir.

12 Q Well, you used the term --

13 A Yes, sir. It was ice cream. It was ice cream.

14 Q -- ice cream cone, but also maybe when you said  
15 ice cream cone you're referring to a sundae?

16 A It's ice cream. It was ice cream, yes, sir.

17 Q And this is sort of similar to a question that  
18 Mr. Plunkert asked you. Would you agree if officers are  
19 asking you to leave the scene when they are attempting to  
20 assist a motorist that you should leave the scene?

21 MR. LATTIMER: Calls for a legal conclusion.  
22 Answer if you can.

23 A I don't -- It sounds like -- It sounds like two  
24 questions to me you said. Did I understand you to say  
25 when there's a vehicle or something --

1           Q       (by Mr. Hughes) No, no. When officers are  
2 attempting to assist a motorist and they ask you and  
3 others to clear the way, to move out of the way, to move  
4 down there, that you should do so?

5           MR. LATTIMER: Is it a hypothetical?

6           Q       (by Mr. Hughes) Do you agree with that?

7           MR. LATTIMER: Calls for a legal conclusion,  
8 assumes facts not in evidence, has nothing to do with this  
9 case, but --

10          A       So to move down to assist a motor vehicle. I  
11 don't know how to answer that.

12          Q       (by Mr. Hughes) Well, have you ever been on a  
13 scene when officers are telling a crowd to leave?

14          MR. LATTIMER: Relevance and materiality.

15          A       Have I ever been on a scene where officers are  
16 telling a crowd to leave? In this case I was, I was --

17          Q       (by Mr. Hughes) Okay. Very good. Let's --

18          A       I was told to disperse, to keep moving  
19 backwards.

20          Q       And also up in -- up on the street that may be  
21 Sharondale or whatever the street is near where the  
22 motorist was, you agree that the officers were telling the  
23 crowd to move and keep going down; is that correct?

24          A       No, absolutely not, the -- Absolutely not.

25          Q       But you did talk about there was a crowd?

1           A     There was a crowd.

2           Q     And at the time you were arrested that the rest  
3 of the crowd was gone but you were still there; isn't that  
4 correct?

5           A     I did not say that.

6           Q     But isn't that true?

7           A     That is not true.

8           MR. LATTIMER: This is the fourth time you've  
9 asked this. I thought you said you had something  
10 different.

11          Q     (by Mr. Hughes) And as far as the police  
12 officers who arrested you, I think you answered to  
13 Mr. Plunkert that you've never seen the police officers  
14 since this incident on August 13th, 2014; is that correct?

15          MR. LATTIMER: Asked and answered. Asked and  
16 answered.

17          A     Not that I recall.

18          Q     (by Mr. Hughes) And as far as you recall, you  
19 never saw them before?

20          MR. LATTIMER: Asked and answered.

21          A     Not that I can recall.

22          Q     (by Mr. Hughes) So as far as you know, you  
23 didn't know these officers, and as far as you know the  
24 officers didn't know you?

25          A     I don't think -- Right, yes. Yes, sir.

1           Q     So you're not alleging that some officers  
2 already knew you and they had some sort of evil motive to  
3 try to arrest you or do something; is that correct?

4           A     No, sir.

5           Q     And Mr. Plunkert was asking you about, you know,  
6 your money that you earn. Do you still have your income  
7 tax returns for the year 2014 and 2013?

8           A     I have 2014. 2013, I would have to look for it  
9 or try and get a copy of.

10          Q     I mean, do you -- like you use TurboTax yourself  
11 or do you go to some company, some company that does  
12 taxes?

13          A     Yes, sir, my husband does -- this year we --  
14 yes, sir.

15          Q     Who does the taxes for you? How are the taxes  
16 done?

17          A     An individual. Is it the same? No. Is it a  
18 company? Yes. Is it the same company? No.

19          Q     So but you would know which company it is?

20          A     My husband would know.

21          Q     Okay. So even if you don't have the 2013 at  
22 home right now, you would know where to go to get it; is  
23 that correct?

24          A     Yes, sir.

25          Q     Okay. I guess that's all for now.

1 not sure as you sit here?

2 A I'm not sure, because I didn't even -- I didn't  
3 see myself, I didn't even see me move from the McDonald's,  
4 so I don't know.

5 Q Okay. And just based on the voice, you're  
6 unable to tell?

7 A I'm unable to tell right now.

8 Q Okay. Why don't we play 101, go ahead and take  
9 a look. Let me pause it at 57 seconds, ma'am. Was that  
10 you?

11 A That appears to be me, yes, sir.

12 Q Okay. And the vehicle that we had discussed  
13 that was in need of help from the officers, that you saw  
14 that nearby?

15 A That was in need of help? It hadn't -- Okay,  
16 yes. Yes, sir.

17 Q Okay. Okay. Now we're looking at 1:02, and the  
18 female on the right in the street, that's you, correct?

19 A Yes, sir, that's me.

20 Q And one of the officers is fixing you with hand  
21 ties, correct?

22 A Yes, sir.

23 Q Okay. You're not on the ground, right?

24 A No, sir.

25 Q And there's no knee in your back, correct?

1           A     Right.

2           Q     Okay.  It doesn't appear as though you have --  
3     Well, tell me this:  Do you know whether you were thrown  
4     to the ground before this point in time, 1:02?

5           A     I hadn't been anything before this point in time  
6     that I recall, no, sir.

7           Q     Okay.  So the first thing that happened was that  
8     you were placed in the hand ties?

9           A     Yes, sir, it appears.

10          Q     So what you told us earlier, you were just  
11     mistaken as to what occurred chronologically with respect  
12     to on the ground, knee in the back, and the hand ties  
13     being placed on you?

14          A     Okay.

15          Q     Right?

16          A     Yes, sir.

17          Q     Okay.  Ma'am, it looks that at 1:07, are you  
18     requesting a CNN card?

19          A     No, I'm saying, "William, get this CNN" -- So I  
20     had things in my hand, one was a card from a CNN -- a  
21     person who works for CNN, because they had been there at  
22     the rally earlier.

23          Q     Okay.  And why did you obtain a CNN card?

24          A     My son had taken pictures with the person for  
25     CNN and he collects business cards.

1 Q (by Mr. Plunkert) Ma'am, you see the truck with  
2 the trailer, right?

3 A Right, right. Okay, yes, I see it.

4 Q And that's the vehicle that we were discussing  
5 that was in a problem that needed assistance, right?

6 A Yes, sir.

7 Q Okay. We'll go ahead, that's at 45 seconds, and  
8 now we'll go ahead and hit play again. Could you hear a  
9 voice? And I'm stopping at 1:01. Did you hear a voice  
10 saying "You're under arrest" several times?

11 A To me?

12 Q Yes.

13 A I heard, "You're under arrest, you're under  
14 arrest."

15 Q Okay.

16 A I'm sorry, can you go back?

17 MR. LATTIMER: There's no -- Just let him ask  
18 questions, okay?

19 THE WITNESS: Yes, sir.

20 Q (by Mr. Plunkert) Sure, ma'am, we can go back.  
21 What was it that you wanted to look at or --

22 A Can you go back right -- like right there,  
23 (indicating).

24 Q Okay. At 52?

25 A Yeah, that'll be fine. And I need you to pause

1 it.

2 Q Okay.

3 A Well, go back a little bit more.

4 Q Sure. Go to 43, okay?

5 A Okay. Can you pause it?

6 Q Of course.

7 A Not yet.

8 Q Oh, I'm sorry.

9 A So what I'm saying is in this footage, you see  
10 the iPad up under my arm, and then when you see William  
11 walking by it appears my son has the iPad in his hand. In  
12 this footage you don't see me hand it off to William. How  
13 did that happen? Let's go back a little bit more.

14 Q Perhaps you handed it to him off the camera, is  
15 that possible?

16 A And so what I'm saying is how would -- if it  
17 hasn't been spliced or whatever, how did that happen?  
18 What I'm saying, there's no continuance, something  
19 happened there. Go back a little bit, sir.

20 Q Okay. Sure. We'll put it at 46. Ma'am, I'm  
21 stopping at 1:17. It appears as though your son as the  
22 iPad at this point?

23 A It looks like it to me.

24 Q Isn't it possible that an officer may have taken  
25 it from you and handed it to your son?



1           A     Possibly.

2           Q     Okay. And then you also see your son's holding  
3 a soda and the ice cream; is that right?

4           A     Yes, sir.

5           Q     Okay. So it's still in his hands at this point,  
6 right?

7           A     What's still in his hand, the ice cream?

8           Q     Yes, ma'am.

9           A     And the soda?

10          Q     Yes.

11          A     It looks like it's in his hand at this point.

12          Q     And it hasn't been knocked out at this point,  
13 has it?

14          A     It has not been.

15          Q     Okay. Let's go play it from 1:17; is that okay?

16          A     Uh-huh.

17          Q     Did you say, "Why are you arresting my son when  
18 we don't live over here?"

19               MR. LATTIMER: The tape speaks for itself.

20          A     Yes.

21          Q     (by Mr. Plunkert) Okay. And what did you say  
22 after that?

23          A     "Why are you arresting my son and we don't live  
24 over here?"

25          Q     Okay. And what did you say right after you said

1 THE WITNESS: I don't understand completely.

2 MR. PLUNKERT: Sir, I would like for you to  
3 object as to --

4 MR. LATTIMER: I do. If I don't understand a  
5 question, I know she doesn't. What does that mean?

6 MR. PLUNKERT: The witness just responded in the  
7 affirmative, and then after the instruction from the  
8 counsel she now says she doesn't know what it means.

9 A (by Mr. Plunkert) So why don't we backtrack and  
10 I'll ask you: Do you understand what it is to be  
11 compliant with an officer's orders?

12 A Compliant means -- if you mean follow  
13 directions?

14 Q Yes.

15 A Yes.

16 Q Okay. And you understand that if -- You  
17 understand at this point you're under arrest, correct?

18 A Yes, sir.

19 Q And that's because you have your hands behind  
20 your back, correct?

21 A Yes, sir.

22 Q And you agree that when you're under arrest you  
23 should, to be compliant, you should walk with the officers  
24 to where you're being directed?

25 MR. LATTIMER: Objection, calls for a legal

1 conclusion.

2 Q (by Mr. Plunkert) Go ahead.

3 A Yes, sir.

4 Q In other words, if an officer -- And these  
5 officers are leading you to an area, correct?

6 A Uh-huh.

7 Q Is that a yes, for the record?

8 A Oh, yes.

9 Q And you should walk with them, right?

10 A Yes.

11 Q Okay.

12 A Can I speak to my counsel for a second?

13 MR. LATTIMER: Yeah.

14 A Something that I --

15 MR. LATTIMER: There's no question pending, she  
16 can take a break.

17 MR. HUGHES: Can we show her talking to her  
18 counsel?

19 MR. LATTIMER: No, you're not, because we're  
20 going to step outside.

21 MR. HUGHES: Well, I think she should answer the  
22 question.

23 MR. LATTIMER: There's no question pending. We  
24 waited till you answered the question, there's no question  
25 pending, now we're going to step outside. Of course

1 objection, ma'am, you want to keep going through and we'll  
2 play through here at 1:36, okay?

3 A Do you want to -- Okay, yes.

4 Q All right. Ma'am, and do you see here at 1:42  
5 that your hands have now fallen out of the handcuffs?

6 A If they were cuffed. It appears that -- I  
7 didn't see my -- Okay.

8 Q Now, having viewed this video, ma'am, you would  
9 admit that you were pulling your hands away to become  
10 uncuffed, correct?

11 A I would disagree with that.

12 Q Okay. Do you know how your hands became  
13 uncuffed?

14 A No, I do not.

15 Q Okay. Did you notice that you were trying to  
16 stop walking?

17 A No, I did not notice that.

18 Q Okay. You would admit that you -- you would  
19 admit that you tried to stop walking right here before you  
20 fell to the ground; is that right?

21 A I would say no.

22 Q Okay. You admit that you weren't thrown to the  
23 ground, right?

24 A I would say no, I wasn't thrown to the ground,  
25 doesn't appear that way.

1 weren't thrown to the ground on August 13th of 2014?

2 A That's not true. In this video, I don't see it  
3 in this video.

4 Q Okay.

5 A In this footage.

6 Q Well, give me a time frame of when it would have  
7 happened with respect to this video.

8 A I can't give you a time frame or a time, yeah, I  
9 can't give you a time frame.

10 Q On all the videos that we've watched, did you  
11 ever observe an officer -- the officer who it was that you  
12 allege threw you to the ground?

13 A I did not observe it in any of these videos.

14 Q Okay. So as you sit here, you don't know who it  
15 was, right?

16 A Who it was that --

17 Q -- that you allege threw you to the ground?

18 A I don't -- No, sir.

19 Q Okay. And we watched where you identified what  
20 you thought was a knee to your back and then another  
21 period at I think 1:46 where it could have been the left  
22 knee and you're just not sure; do you remember that  
23 testimony?

24 A Yes, sir.

25 Q Okay. Was there any other point in time where

1 got different stuff, and you've come back and asked that  
2 question five times, two times after you finished  
3 questioning. What, you think you're going to get a  
4 different answer if you ask it a number of times, is that  
5 the objective?

6 MR. HUGHES: I didn't ask it five times.

7 MR. LATTIMER: You have asked it five times, I  
8 said four the last time you asked her, and if you did it  
9 four the last time, this time makes five, and you did it  
10 two times after you finished questioning. The last time  
11 you asked questions in between Mr. Plunkert you asked that  
12 same question, and now you're asking it again.

13 Q (by Mr. Hughes) Do you know why he said,  
14 "That's it"?

15 MR. LATTIMER: You're asking her why somebody  
16 else said something?

17 Q (by Mr. Hughes) Do you have any idea why he  
18 said that?

19 MR. LATTIMER: Objection, calls for speculation.

20 A No, sir.

21 Q (by Mr. Hughes) Okay. At the time he -- After  
22 he said, "That's it," soon thereafter we saw in the video  
23 that your son was walking by, and you noted he's got --  
24 still has a large soda in his hand and he had a -- you  
25 said he had a sundae in his hand, he had an iPad in his

1 hand; is that correct?

2 A Yes, sir.

3 Q He was not handcuffed as he was walking with

4 those items; is that correct?

5 A Yes, sir.

6 Q And he was not yet arrested as far as you know

7 at that point; is that correct?

8 A Yes, sir.

9 Q Okay. Thank you. I have no other questions.

10 MR. LATTIMER: We'll read.

11 THE VIDEOGRAPHER: Okay. This concludes the

12 deposition, we're off the record at 2:51 p.m.

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